

# STATE HUMAN RESOURCE MANAGEMENT COUNCIL

## MINUTES

Tuesday, June 8, 2004

8:30 a.m. - 10:30 a.m.

Governor Office Building, Room 450

The June 8, 2004 meeting was called to order at 8:30 am by Co-Chair Steve Hope. Steve updated everyone in attendance that Office of Administration will be coding Friday, June 11 as a holiday instead of a regular work day.

### **Unemployment Insurance Claims Filing - Jack Dothage, OA/Division of Accounting**

Jack Dothage provided a follow up from questions that were discussed at the last meeting. When a claim is received by your division you have ten days to respond or protest the claim. If Employment Security has a question or requires further information, there is a twenty-four hour response time to provide that information. There was a mailing list sent to each department or agency to update mailing addresses. Please update your list and return by the fifteenth of June.

### **David Strange, Chief of Benefits at Employment Security**

David gave tips and information on ways to successfully protest a claim

- Very important to protest within 10 days, if you do not protest you are not considered an interested party and you have no appeal rights. Timely protest protects your interest all the way through the due process.
- Completeness of the process, tell us what you know. If you have lists of disciplinary actions, provide that information.
- Difference in filing a protest and filing an appeal. The hearing is the second level in the appeals process. If a telephone hearing is scheduled and both the human resources representative and the former employee are both on the call, the weight of the decision will go to the employee with first hand information. The representative on the call should be the former employee's supervisor to offer first hand testimony of what events led up to the dismissal or resignation. When you prepare for the hearing you need to have witnesses available to participate.
- Negotiations of HB 1268. As a reimbursable employer, if an employee is dismissed they are disqualified from receiving benefits for up to four to sixteen weeks. After the penalty period they are then eligible for benefits.
- Confusion on filing appeals. When a determination concerning claim for benefits is received and the former employee has been disqualified, if you do not agree with the number of weeks for disqualification, you can file an appeal to the determination. Employment Security has been receiving appeals to the terminating determination letter that is sent after their required weeks of disqualification are served. If want to file an appeal on the disqualification weeks you have to file on the first determination letter and not the second letter after the weeks are served.

- If an employee quits a job, in order to be eligible for benefits the reason they quit has to be for good cause attributable to the employer. If an employee is dismissed the burden of proof is on the employer to prove evidence of misconduct.
- If an unemployment claim is protested, the winning percentage will be better than not participating at all. You should protest claims for people that quit or are dismissed. Vacation pay can be counted as part of their pay and may also be protested.
- As a general rule, if an employee is fired for inability to do the job they will they receive benefits. If an employee is not considered a good fit for the job, that is not considered misconduct. If an employee is unwilling to do the job, and you can show it is deliberate you may win the appeal.
- Resignations where you receive a notice to quit, but six months or so later you receive that they are claiming harassment and we have no information. In order to show good cause, the employee has to show that they followed the steps to file a complaint.
- Administrative leave pending investigation. If you are unable to reveal the information as to why the employee is on leave, then the employee is entitled to benefits. If there are several instances of misconduct provide one or two instances with the protest.
- If an employee files a resignation with a definite termination date and the employer accelerates that date, that is still considered a quit and not a dismissal.

If you have further questions contact David Strange at 751-3641. If you have problems with a particular claim you can call his section and talk to a program supervisor.

#### **Rehiring Retirees - Scott Simon, MOSERS**

There was a handout on Benefit Eligibility Reporting provided to all in attendance. There will be three different reports generated and that information will be shared with legislators.

- 1) Individuals reported as eligible for benefits yet their duties may not support the legal requirements
- 2) Individual not reported as eligible for benefits yet their duties appear to support qualification
- 3) All reemployed retirees

Reports will be generated twice a year, one in January and once in July. Joann Lootens and her staff will be generating the reports and contacting the agencies for information. The responses to any questions they may have need to be provided in writing.

#### **OA Update - Gary Fogelbach**

Friday, June eleventh is being treated as a holiday for employees who have to work the holiday. If there are any technical questions on processing, direct those to Norma.

The FY06 pay plan hearing is scheduled for this afternoon. The board is looking at a general structure adjustment of 3.3% and the market progression within-grade advancements.

Information on the proposed MO Certified Public Manager Program has been emailed to agency directors, if interested please respond by June eighteenth. You may contact Alan Forbes, Division of Personnel with questions.

Department of Labor regulations. Are there lots of Code 1 classes in existence? Did anyone get a chance to look at the Department of Labor webpage and fair wages presentation? Are there any classes that you are concerned about whether they are exempt or non-exempt employees? If there are any questions let Gary know so they can get at the top of the list.

Handout distributed showing the number of employees designated as exempt who do not meet the new salary basis requirements.

HB1548 is the overtime pay bill, section 105.935. The House of Representatives website has the truly agreed to and passed version of the bill. The intention of this bill was to pay off overtime for corrections officers. An employer can direct employees to use federal comp time. Gary is working on a list of questions to present to Association of Government Accountants in July. Formed a small group to work on questions and will distribute the list of questions to the committee.

#### **Pay Plan, SHRMC Recommendations - Steve Hope**

Letter from the committee regarding the FY06 pay plan was distributed and asked if there were any changes or corrections. Voting members of committee agreed to change wording on second paragraph to, The Council supports the general structure adjustment of a minimum of 3.3% and the market progression within-grade advancements, and these should be reinstituted as soon as fiscally practical. After that change is made the letter is ready for submission to the PAB during the June eighth meeting. It was suggested that in future letters we need to expand on the point that the State needs to pay wages competitive with private industry in order to retain good employees.

#### **SAM II Update - Jan Heckemeyer**

Jan discussed fiscal year end reminders. PPER documents have to be entered by July 7 for the fiscal year. Statewide pay plan increase and adjusting pay grids. There is a program that will automatically generate the ESMT's for table driven employees. OA will be providing a report to identify non-table-driven employees. There is a new turnover report that is published every quarter. Also, there is a new deferred comp error report that runs every pay cycle and gives a list of employees who are - but should not be - getting employer's match.

#### **FMLA Best Practices/Update from Working Group/Survey - Rhonda Byers, Chair, FMLA Work Group**

No information at this time

#### **Subcommittee on SAM II HR Reporting - Lori Hogue, Chair, SAM II HR Reporting Work Group**

No information at this time

**Discussion on whether meeting dates need to be changed due to the PAB meeting being on same day.**

Discussed that there are people who are unable to attend the SHRMC meetings since they have items coming up in front of the PAB board, and that meeting is always on the same day. Committee asked that different dates and meeting rooms be researched and brought to the next meeting to make a decision on meeting dates.

**Next SHRMC Meeting: July 13, 2004, 8:30 a.m.**

**Location: Governor Office Building, Room 450 (Ballroom)**

**Meeting adjourned.**